

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 28, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: DIR-34177 - APPLICANT/OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: NO RECOMMENDATION

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a progress report by the Planning & Development Department regarding the form-based code project, as discussed at the March 23rd 2009 Joint City Council and Planning Commission workshop.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
05/29/08	The Planning & Development Department introduced the form-based code project to the Planning Commission at the Planning Commission Workshop.
03/23/09	At the Joint City Council and Planning Commission Workshop, the form-based code project was described as being a critical component for implementing corridor plans and walkable community plans.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting has not yet been held. The initial public input sessions will be tentatively scheduled in September 2009, once an initial draft of the document is assembled.

ANALYSIS

Introduction:

Title 19 of the Las Vegas Municipal Code, which contains the city's zoning regulations, was last revised in 1997. As the city continues to grow and mature, codes must be updated to reflect changing conditions and adopted initiatives. Consequently, Planning & Development staff has initiated revisions to Title 19 to reflect current development patterns and incorporate new initiatives, such as sustainability and transit-oriented development. A form-based code approach has been selected as the appropriate format for the code revision, as a means to promote understanding and application of zoning regulations.

Form-Based Code – Description:

A form-based code is characterized by the following two qualities: the use of diagrams and visual examples to explain regulations, and an emphasis on regulating the form of the built environment. The use of graphics will make the code more readily understood by those who are not routinely involved with land use or development, and may be unfamiliar with unique terminology and regulations. In addition, diagrams assist in simplifying complex zoning standards, and can be used to condense multiple pages of text into a single handout.

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In terms of regulating form, form-based codes emphasize the placement and massing of structures as they relate to the public realm. This approach builds on the idea that the community's physical form is its most enduring characteristic, and that zoning regulations should place an importance on the appearance and qualities of public spaces and the spaces created by buildings and the built environment.

Progress Report:

- **Research** – To begin preparing to translate the current zoning code into something reminiscent of a form-based code, staff spent a fair amount of time at the beginning of this project researching what form-based codes entail, how they are implemented, and examples of codes that have been prepared in other jurisdictions. Articles and books by the American Planning Association, Local Government Commission, The New Urban News and others on the subjects of form-based codes, smart codes, smart growth codes and sustainable codes were compiled and reviewed in detail. Further, staff reviewed codes that have been prepared for cities such as Miami and Denver as well as model codes developed by groups such as the Form-Based Codes Institute and the Rocky Mountain Land Use Institute.
- **Title 19 Survey** – To ascertain a better understanding of the how the current zoning code is being used, a survey was prepared and distributed to identified internal and external users of the Zoning Ordinance. The survey allowed respondents to identify the chapters that they used and then review each section of those chapters they were familiar with to determine what who is using which areas of the code and what sections are clear to users and which are confusing. The survey produced seven recommendations:
 1. Increase internal training and expand outreach efforts, both within the city staff and the general public/development community.
 2. Ensure document integrity by insuring consistency both within the title and among the other prevailing codes, plans, and documents and use clear, well defined terminology.
 3. Use a "Form-Based" type of formatting as a modern planning practice that integrates more graphics and figures to illustrate standards.
 4. Reorganize and streamline the listing of permissible uses.
 5. Update the application and procedures sections to comprehensively address all applications and provide a clear and concise delineation between the types of deviations possible under the code.
 6. Expand the definitions section to more comprehensively address the terms used throughout the document and provide consistency with other prevailing documents.
 7. Take advantage of technological tools to improve the format and presentation of the zoning code while maintaining the integrity of a printed document.

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- **Diagram Development** – As mentioned above, a form-based code places a greater emphasis on diagrams and illustrations over text to communicate requirements and standards. As a part of the project, staff has been working through the text heavy standards and requirements and is working on a set of figures that accurately and as simply as possible communicate what form development is to take. Additionally, staff has been working on improving existing diagrams to create a clear and cohesive representation of the city's standards.
- **TOD Analysis** – Form-based codes traditionally have a greater emphasis on the public realm and how the form of development relates to the interaction potential of the people and the street. With this in mind, staff performed an analysis of the Regional Transportation Commission's transportation plans looking for corridors and areas of the city where Transit Oriented Development (TOD) principles could be employed and integrated into the code translation.

Draft Organization:

- Currently, staff is proposing to organize the revision into generalized chapters that address the requirements of both the current subdivision and zoning codes as one comprehensive title. The merging of these two titles (Title 18 and 19) will create a Unified Development Code (UDC) for the city that will provide greater assurance that development is occurring in conformance with the master plan. UDCs streamline the development process by weaving development standards together, reducing conflicts between standards and providing staff and the community a single point of reference for standards and regulations related to development. One aspect of the proposed organization is that the district description/purpose and the design and development standards that pertain to a specific district, such as the R-1 (Single Family Residential) District, will be located in one place. This allows a member of the public interested in knowing the form that development on their property might take to review just a couple sections in one or two chapters of the code instead of needing to review as many as six or seven chapters in multiple titles to get at the same information.

Partnerships:

- **Green Council** – Staff has worked with the members of the city's Green Council to review various sustainability measures and how the translated code can address green building and sustainability principles. The Green Council consists of representatives of various community and professional organizations, including the Southern Nevada Home Builders Association, NAIOP – Commercial Real Estate Development Association, Southern Nevada Health District, and US Green Building Council among others.
- **Southern Nevada Health District (SNHD)** – Staff has worked with representatives of the SNHD in reviewing the impacts on the health of the community as a function of the built environment. As a part of the discussion about possible revisions to explore as a part of

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the form-based code project, staff has investigated incorporating aspects of Health Impact Assessment (HIA) into the development process. An HIA, as defined by the World Health Organization, is "a combination of procedures, methods, and tools by which a policy, program, or project may be judged in terms of its potential effects on the health of a population, and the distribution of those effects within the population."

- ***Regional Transportation Commission (RTC)*** – As mentioned above, staff has reviewed RTC transportation plans in connection with possible TOD locations and standards. Staff continues to work with the RTC regarding the location of future transportation infrastructure projects, like the Downtown Transit Center, and how the city can capitalize on those improvements in the planning for future TOD districts, corridors or projects.
- ***Public Works Department*** – The revisions anticipated as a part of this project extend beyond the Planning and Development Department. Staff has been working closely with members of the city's Public Works Department to ensure that goals and proposed changes are achievable across the range of interests represented by the two departments. Areas where the staff has been working collaboratively include the merge of Titles 18 and 19 into a UDC, addressing street widths and streetscapes as a part of the complete streets effort, and working on site development standards that integrate Low Impact Development (LID) principles as a part of the city's stormwater management program.

Timeline*:

- Upcoming events:
 - late May 2009 Progress report to Planning Commission
 - 3rd Quarter 2009 Staff review of draft code
 - 4th Quarter 2009 Presentation to local professional organizations
 - 4th Quarter 2009 Three neighborhood meetings to present the draft code and receive comments
 - late December 2009 Progress report to Planning Commission
 - 1st Quarter 2010 Public hearing before the Planning Commission to discuss the draft and make a recommendation to the City Council
 - 2nd Quarter 2010 Based on the actions of the Planning Commission, the City Council will receive the revised code in ordinance form for their action
 - 3rd Quarter 2010 Provided the City Council adopts the revisions, staff training and public outreach regarding any changes and how to use the new code will be conducted

* All time frames are tentative based the current available information and resources; anticipated action by the Commission and Council and the staff's progress so far on this project. Any changes could advance or delay the occurrence of these events.

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NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0